



Supreme Court

STATE OF ARIZONA

FROM THE OFFICE OF
WILLIAM J. O'NEIL
PRESIDING DISCIPLINARY JUDGE

November 9, 2012

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Arizona Supreme Court
Hon. Rebecca W. Berch, Chief Justice
1501 West Washington,
Phoenix, Arizona. 85007

Re: Petition R-12-0005

Dear Chief Justice Berch:

The Attorney Regulation Advisory Committee (ARC) opposes the dramatic change in the Admission on Motion (AOM) program this petition would bring. The current rules have afforded mobility to Arizona attorneys seeking admission elsewhere and have allowed mobility of attorneys into Arizona. In its annual report, ARC proposed a holistic review of all AOM rules to better understand the first two years of AOM activity and whether changes are necessary to AOM. As a result ARC requests that the petition be referred to it for study.

ARC by its letter dated May 8, 2012, which is attached, opposed this petition. ARC at its November 1, 2012 meeting voted to continue to oppose the petition for the reasons set forth within that letter. The motion waiver rule created at adoption of Admission on Motion by this Court in 2009 was based on ABA Model Rules and recognized reciprocity with jurisdictions who agreed to admit Arizona lawyers on a basis equivalent to Arizona's requirements. The agreements put in place embodied discussion of the Task Force on Admission on Motion, where members of the Arizona legal community voiced concern that admission on motion not be a one-way influx of attorneys into Arizona without allowing mobility for Arizona attorneys.

Petition R-12-0005 would eliminate the reciprocal link to state of bar passage, as included in the ABA Model Rule and substitute a link to any state where an attorney has practiced or been admitted by any means. This would open Arizona membership by AOM to anyone admitted by diploma privilege, which is not currently allowed. At least one jurisdiction, Georgia, has indicted this change would cause them to cease recognition of Arizona as a reciprocal jurisdiction. If a rule change is made, any new language must be reviewed and every currently reciprocal jurisdiction would ultimately make a determination whether to continue reciprocity. The change would also result in AOM admission of attorney who passed the bar exam in California, Virginia, Maryland and other states which currently have no admission on motion and who would never admit Arizona attorneys without examination.

ARC requests that the petition be referred to the Attorney Regulation advisory Committee as part of its holistic review of attorney admission and regulation, which begins in January, 2012 or otherwise denied.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. O'Neil", written in a cursive style.

The Honorable William J. O'Neil
Chair, Attorney Regulation Advisory Committee